

REMARKS/ARGUMENTS

Objection To The Title

The Office objected to the Title as filed, and suggested a new Title. The Applicant has adopted the suggested Title.

35 USC 112

The Office objected to claim 2 as having confusing descriptions regarding encapsulating / encapsulated packets, and “each of any”. The claim has been reworded to eliminate those issues.

The Office objected to claim 9 as having insufficient antecedent basis for “the first device”. The Applicant agrees, and has amended the claim accordingly.

The Office objected to claim 16 as having improper dependency. The Applicant agrees, and has amended the claim accordingly.

35 USC 102

The Office rejected claims 1 and 3-11 as being anticipated by Wang (US 6834326). Those rejections are all obviated by the current amendments, which require that the array is operable without using a RAID controller.

Claims 1 and 3-7 must all be allowable over Wang because the Office admitted that Wang inherently teaches that each of the devices has a controller of some sort. (see remarks as to claim 7). Inherency only exists where the “descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.” *In re Rijckaert*, 9 F.3d 1531, 1534 (Fed. Cir. 1993); *In re Oelrich*, 666 F.2d 578, 581-82 (C.C.P.A. 1981). The mere fact that a certain result or characteristic may occur or may be present in the prior art is not sufficient to establish the inherency of that result or characteristic.

Claim 9 is canceled, and its limitations inserted into claim 8. Claims 8 and 11 are allowable over Wang because Wang contemplates that the requesting devices ignore mooted responses, as opposed to the claimed strategy of the responding devices ignoring mooted requests.

35 USC 103

The Office rejected claims 2 and 12-16 as being obvious over combinations of Wang with Kim et al. ("Internet Multicast Provisioning Issues For Hierarchical Architecture") and Lin et al. ("RMPT: A Reliable Multicast Transport Protocol"). Those rejections are all mooted by virtue of amendment to the various independent claims. None of the cited art, alone or in combination, teaches, suggests or motivates one of ordinary skill to practice the claimed networks or storage systems without some sort of RAID controller.

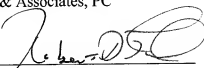
No New Matter

No new matter has been added by these amendments. The current application is a CIP of serial no. 10/473713, and incorporates that application by reference. The '713 application expressly describes networks of RAID enabled storage devices as being masterless (i.e. controllerless) in the Summary and Abstract, and enables that concept in the body of the Specification and the Drawing.

Request For Allowance

Claims 1-16 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted,
Fish & Associates, PC

By 
Robert D. Fish
Reg. No. 33880

Fish & Associates, PC
2603 Main Street, Suite 1050
Irvine, CA 92614-6232
Telephone (949) 253-0944
Fax (949) 253-9069